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HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(S) No. 6275 of 2007

PETITIONER Ramdhani Yadav, aged about 38 years, S/o Sobharam, Occupation- Patwari Halka No. 21, R/o Village- Jamdara, Post Kunni, Distt.- Sarguja (C.G).

Versus

RESPONDENTS

1. State of Chhattisgarh Through- The Secretary Revenue Department, D.K.S. Bhawan Raipur (C.G.)
2. Collector Sarguja, Distt.- Sarguja (C.G.)
3. Sub Divisional Officer (R), Ambikapur Distt.- Sarguja (C.G.)
4. Naresh Kumar Maurya, (Patwari) C/o Tahsildar Ambikapur, Distt.- Sarguja (C.G.)
5. Shri Hariharan Singh (R.I.) Drima Tahsil Ambikapur, R/o Near Pani Tanki, Kedarpur, Ambikapur, Distt.- Sarguja (C.G.)

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUION OF INDIA

Appearance:

Shri D.N. Prajapati, counsel for the petitioner.

Shri Ajay Dwivedi, Panel Lawyer appears for the State on advance copy.

ORAL ORDER
(24.10.2007)

SUNIL KUMAR SINHA, J.

Heard on admission.

The petitioner, who was working on the post of Patwari, has been suspended by order dated 19.9.2007 (Annexure-P/1) in contemplation of departmental enquiry, for which, a charge-sheet has to be issued to the petitioner.

Learned counsel for the petitioner argues that the detailed allegations are not mentioned in the impugned order, therefore, the order is bad in law. He also argues that no opportunity of hearing was awarded to the petitioner before passing the order of suspension.

So far as first argument is concerned, it has been mentioned in the impugned order that the petitioner is being suspended on account of negligence in performing his official

duties. Mentioning this, the order of suspension has been passed by the Sub-Divisional Officer with a direction to the Tahsildar to prepare the charge-sheet against the petitioner. The contents of the order would show that in fact, the suspension of the petitioner has been affected in contemplation of disciplinary proceedings proposed to be held against the petitioner.

Rule 9 of the M.P. (C.G.) Civil Services (Classification, Control & Appeal) Rules, 1966 provides that the appointing authority or any authority to which it is subordinate or the disciplinary authority or any other authority empowered in that behalf by the Governor by general or special order, may place a Government servant under suspension, where a disciplinary proceeding against him is contemplated or is pending, or on other counts which are mentioned in the Rule.

So far as the petitioner is concerned, he has been suspended in contemplation of disciplinary proceedings against him, therefore, the order of suspension cannot be interfered with on this ground.

As far as second argument is concerned that no opportunity was given to the petitioner before passing the order, the law does not require that before passing the order of suspension, an employee is to be given an opportunity of hearing.

In view of the above, I do not find any reason to interfere with the order of suspension passed by the competent authority.

The petition has no merits, the same is liable to be dismissed and it is accordingly dismissed.

It is made clear that this order passed at this stage will not come in the way in future, in case the proceedings of revocation are drawn in favour of the petitioner or in case the petitioner is reinstated for any other reason.

Sd/-
Sunil Kumar Sinha
Judge

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